

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JOHN JOSEPH SHULICK, #447749,	)	
Plaintiff,	)	
	)	
-v-	)	No. 1:07-cv-1286
	)	
MARY BERGHUIS,	)	HONORABLE PAUL L. MALONEY
Defendant.	)	
	)	
	)	
	)	

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**ORDER DENYING CERTIFICATE OF APPEALABILITY**

Under Rule 11 of the Rules Governing Section 2254 and 2255 Cases, a court must issue or deny a certificate of appealability when it enters a final order adverse to the applicant. A court may issue a certificate of appealability “only if the applicant has made a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2); *see Miller-El v. Cockrell*, 537 U.S. 322, 337 (2003). To satisfy this standard, the petitioner must show that “reasonable jurists could debate whether (or, for that matter, agree that) the petition should have been resolved in a different manner or that the issues presented were ‘adequate to deserve encouragement to proceed further.’” *Id.* (quoting *Slack v. McDaniel*, 529 U.S. 473, 483 (2000)). Courts should undertake an individualized determination of each claim presented by the petitioner when considering whether to issue a certificate of appealability. *Murphy v. Ohio*, 551 F.3d 485, 492 (6th Cir. 2009).

Having reviewed Plaintiff John Joseph Shulick’s motion for relief (ECF No. 63), the court declines to issue a certificate of appealability. Reasonable jurists would agree that Mr. Shulick’s motion presents no meritorious claim for relief under Fed. R. Civ. P. 60.

For this reason, the court hereby **DENIES** a certificate of appealability regarding this motion.

**IT IS SO ORDERED.**

Date: May 13, 2013

/s/ Paul L. Maloney  
Paul L. Maloney  
Chief United States District Judge